App. F. IX-4

Previous References 1934 0.-1 (Mwz)

File No. 105-40

Serial Nos. 1-2

Later References.
Mwz dep 401-40
Mwz 105-40-3-4
Jamma Dis 272-43
Jamma Secy 174-44-1-2
Jamma Dis 7 & 165

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two

Part B for September 1940

SUBJECT.

Appeal Petition of Srinivasiah Son of Narsimi Archaka Koonagal, Closcpet Taluqe.

Endt. No. 596 dated 19-9-1940 Mr. Srinivasiah S/o ~~Srinivasiah~~ Narasimiah, Archak Koonagal, Closcpet Tq

WD 0573—GPB—22,500—12-9-39

Intimates that Government see no reason to interfere with the order of the Muzrai Commissioner

Rao

G. R. S. APP. F. III—1]

GENERAL AND REVENUE SECRETARIAT.

(Rev)

NOTES. File No. 105-40

FILE HEADING.

Appeal Petition ~~of~~ of Sri Venkatesh S/o Narasimha Archaka, Koorgal, Chickpet Taluk -

FROM Srinivasaiah - Archak. Koorgal

Petn No. — Dated 2-9-40 Received 3-9-40

Diary No. 348 Enclos. 16 Spare copies — Serial No. 1

BRIEF ABSTRACT OF LETTER

Requests for a Stay over pending Disposal of the Appeal - re- the Claim of Archakship in Sri Rangaswamy Temple at Koorgal Chickpet Tq

NOTES AND ORDERS.

The Petition is duly stamped and files in time. The Petitioner requests for Stay over pending Disposal of the Appeal Subs for orders. A Certified Copy of the M.Cs ~~not~~ appealed against is appended to the Petn.

If appd, records will be called for and a report. As regards the request for a Stay of the ~~orders~~ passed by the M.C. a Separate petn bearing Court

NOTES—First Sheet

WD 03692—GPB—2,250—18-1-40

Appeal petition of Mr Srinivasiah

My File No. 103 of 1940. | General and Revenue Secretariat

Rupees Stamp is necessary - for orders of the Govt may be informed accordingly

Sd/-

No circulation of land is involved. The appeal may be rejected on the under mentioned grounds

1. [illegible]
2. [illegible]

Sd/-

2nd member)

5 Bs 12/9 Jr

6 Jr 14/9

[illegible]

17 Subs with a draft for appe
2/ 16/9 SS

8. Jr 16/9

No 596/Jury Sections Dt 19 9 40 2

Do

Mr Srinivasiah
S/o Narasimhiah Archak Koonagal
Gubbi Tq. C/o H Lakshmanarao Esq BA BL
Advocate Bangalore City

Intimate that Govt see no reason to interfere with the order of the Deputy Commissioner

9 Subs with a draft endorsement returning the Cadjans received with his appe pet dated 2.9.40
3/9/40 SS

10/9 Jr [illegible]

[illegible]

GENERAL SECTION 12 SEP. 1940 1607

LEGISLATIVE SECTION 1940 No 2497

TYPING SECTION 1940

Appeal Petition of Mr Srinivasaiyo

General and Revenue Secretariat | Mg File No. 105 of 1946. | [App. F. III-2

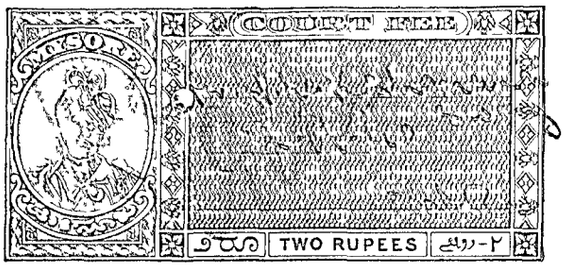
Serial No.	
	Encst No 619/Mng Dy 23 9 46
	To
	Mr Srinivasiah
	S/o Narasimhiah
	Koonagal, Closepet Taluk
	C/o Lakshmanaswamy Esq B.A.B.L.
	Advocate, Bangalore
	Summons must be made call at his office on any working day to take back the hafsen files with his appeal

B
2619

NOTE—Contn Sheet.

File No of 194 | General and Revenu Secretariat

Serial No.



Before The Government of His Highness the Maharaja of Mysore, Bangalore.

Muzrai Appeal No. /40-41.

Srinivasiah
son of Narasimiah,
Archeka
Koonagal
Closepet Taluk. Appellant.

-vs-

Yethi Rajiah
son of Narasimiah
Archak
Koonagal
Closepet Taluk. Respondent.

The appellant above named begs to prefer this appeal against the order of the Muzrai Commissioner dated 23-7-40 in Muzrai appeal No. 18 of 39-40 of the file of the court of The ~~Mysore~~ commissioner in Mysore Bangalore on the following among other grounds:-

1. The appellant Srinivasiah and the respondent Yethi Rajiah are the sons of Narasimayya, the hereditary hakdar of Sri Ranganathaswamy Temple of Koonagal Closepet Taluk which is a minor Muzrai ~~Commissioner~~ Temple On 15-7-39 the respondent Yethi Rajiah was removed from archak duties by the Amildar as he was not popular with the devotees and as he was not performing ~~sevies~~ services regularly in the temple. Then the Appellant was

ordered to look after the archak work, and since then it is the appellant Srinivasiah who is doing the pujas up to date. The respondent was not at all reinstated to do the work of Archak by any subsequent order.

2. Then the respondent seems to have filed applications praying for permission to do archak work on the strength of a ~~sailed~~ Kattadaka alleged to have been executed on 9-12-22 between the parties The said deed has not been executed by the appellant nor is it a registered document. The arrangment in Kattadaka was not put into practice. Hence the respondent has no right to the archak work, even by virtue of that ~~work~~ deed, unless he establishs his right in the civil court.

3. That both the appellant and respondent ~~and~~ appeale to the deputy Commissioner. The Respondent Yethirajiah's appeal was dismissed on the ground that he was not workin properly. But the appeal ~~was~~ of the appellant was allowed by an order dated 4-8-40 in Muzrai Appeal No. 5/39-40 on the file of the ~~th~~ Deputy Commissioner Bangalore as follows:-

"As a last chance I allowed Srinivasiah to work for six months and if he gives satisfaction, the question of his removal need not be taken up" This is the final order against which no body appeals Hence this order should stand good.

4. The learned Muzrai Commissioner was therefore wrong in ordering that the respondent Yethirajiah was working satisfactory till 1935 and that owing to some family calamity, the respondent might not have worked. and that this ~~family~~ family dak cannot be ~~taken~~. The learned Muzrai Commissioner erred in not noting that the appellant being the elder brother he was entitled to the puja ork. The appellant will prove that the respondent is doing the archak work of Temple at Matadaddi near Koonagal as it fell to his share.

5. The order of the Muzrai commissioner that both the the appellant and respondent should work in ~~turns~~ every year works great practical hardship in payment of ~~kxx~~ kandayam and division of produce. It will be seen that the appellant alone has paid the kandayam of the Inam lands from the begining upto date for over 50 years.

Prayer

Wherefore the appellant prays that the Government may be pleased to order that (1) The appellant Srinivasiah alone is entitled to hold the office of Arachak Sri Ranganathaswamy swamy temple at Koonagal Colsepet Taluk and that he is entitled to continue to be in possession of all inam lands, being his heridatary work.

2. That the respondent Yethirajiah has no right to the Archak work and in the properties.

3. That the Government may be pleased to pass stay order pending the disposal of this appeal and send intimation to the Sub-Division officer Closepet not to Disturb Srinivasiah from doing archak work either now or after a year until the final orders are passed in this appeal.

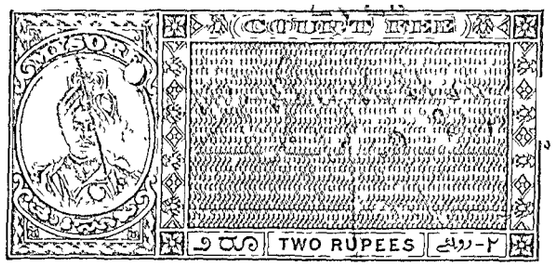
H. Lakshmanaswamy
Advocate for Appellant

Bangalore city.
Date: 2-9-40.

Documents herewith produced

(1) Kawayam Register for 28-29 for Kunnagalli
(2) Nai " — 1916 Ranganathana
(3) " 35-36 165 Khata
(4) " 23/3/35 — 165 Khata

(5) Kandyan ... Act
6) " —— 29.5.29 Kanagasabai Naran
7) " —— 29/5/26 - "
8) " —— 38-39 165
9) " 36-37 Kanagasabai
10) " —— 26/3/38 — 165 Khala
11) " 28/7/09 —— "
12) 1875 "
13) 1897 - "
14) 1907 - "
15) - " - "
16) 1905 "
17) 11.9.39 "
18) 31.5.39 "
19) 21-7-38 "
20) 31-12-36
21) Human Convictions Act
H Lakshmanan
Advocate for Appt
2/9/40



In the Court of the Court of Mysore

SUIT NO. OF 1940-41

Miscellaneous Appeal No 41

PLAINTIFF		**DEFENDANT**
COMPLAINANT	*VS.*	**ACCUSED**
PETITIONER		**OPPONENT**
Srinivasiah		Jethi Rajiah

VAKALATNAMA

Executed by Srinivasiah

In favor of Mr. **H. Lakshmana Swamy** B. A., B. L.

I ~~We~~ Srinivasiah do hereby appoint and retain Mr. H. Lakshmana Swamy, Vakil, to appear for me in the above Misc appeal Suit, Miscellaneous Petition, Case, and to conduct and prosecute, defend, the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. $\frac{\text{I}}{\text{We}}$ empower my Vakil to appear in all Miscellaneous proceedings in the above suit or matter till all decrees, orders are fully satisfied or adjusted and to obtain the return of the documents and draw any moneys that might be payable to me/us in the said suit or matter.

The address for the service of the said Vakil is ~~149,~~ 281 *Chickpet, Bangalore City.*

The executant signed the above before me.

H. Lakshmanaswamy
Adv for Appt

.. ಹೆಚ್. ಲಕ್ಷ್ಮಣಸ್ವಾಮಿ ..

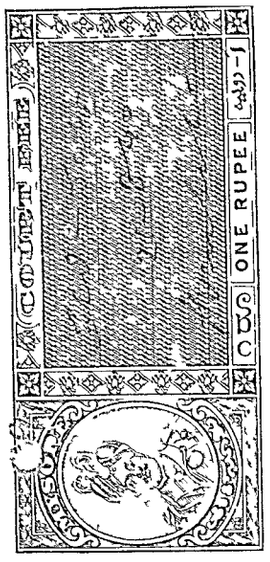
H. Lakshmanaswamy

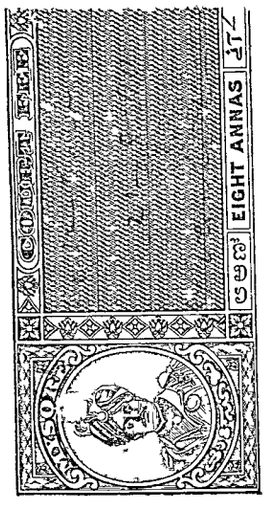
Accepted

BANGALORE,
2/9/1941

Vakil for Appt

(19) Hallishwara Archaka
2, 40





In the court of the Muzrai Commissioner
at Mysore

Muzrai Appeal No 18/39-40

Appellant

Yethirajiah son of Narasimhaiah, Archak Sri Ranganathaswamy temple, Konagal, closepet taluk

vs

Respondent

Srinivasiah, brother of appellant Konagal closepet Taluk

This is an appeal against the order of the Deputy commissioner, Bangalore District declining to interfere with the order of the Sub Division officer closepet, directing the removal of both the appellant and the respondent from Archak services of Sri Ranganathaswamy temple at Konagal, closepet taluk

Facts of the case

Yathirajiah (appellant) and Srinivasiah (Respondent) are the sons of Narasimhaiah the original archak of Sri Ranganatha-swamy temple at Konagal, closepet taluk which is a minor muzrai institution About the year 1920 both of them were performing puja in the temple on 19 7 1920 Yathirajiah (appellant) was removed from archak duties, by the Amildar as he was not popular with the devotees and as he was not performing services regularly in the Temple and Srinivasiah (Respondent) was ordered to look after the duties Ethirajiah performed

the Deputy Commissioner against the above arrangement, but after enquiry, the Deput Commissioner ordered on 28.10.1925 that if both the brothers could work satisfactorily they might be allowed to do so by turns

2) Both Yatiraja iah and Srinivasiah (Appellant and Respondent) entered into an agreement on a Stamp paper (unregistered on 9.12.1922 that they should perform puja by turns year after year and enjoy the inam lands equally, and this arrangement seems to have continued till 1934. owing to some domestic troubles the appellant handed over his Sardi charge to the Respondent, but the latter refused to give the charge back to the former. The Amildar in his order dated 2.2.35 had also stated that Srinivasiah (Respondent) had been attempting to take undue advantage of his brother's (appellant's) temporary absence and that yatiraja iah's enjoyment of inam lands was legitimate etc.

3. Meanwhile the question of unsatisfactory work of Srinivasiah (Respondent) was under enquiry before the Amildar. The Amildar reported on 17.3.39 that the work of Srinivasiah (Respondent) was not satisfactory and that he should be removed. The Sub Division officer the Respondent on 25.3.1939. But on the report of the Amildar dated 12.6.39, the Respondent was restored to the office by the Sub Division officer. The Amildar in his previous report had stated that yatiraja iah (appellant was in possession of half the inam lands that there was regular alienation of inam

lands as per agreement @ 9 12·1922 between the two brothers and that yatiraja should be evicted from the inam lands yatiraja had also petitioned the sub division officer agreeing to pay half of the quitrent on the inam lands and praying that he and srinivasa might be permitted to perform the puja by turns, as he was poor and had no other property except the inam lands and as his brother srinivasa had been preventing him from the cultivation of inam lands.

4. The sub division officer closepet ordered on 22-12-39 to the effect that neither of the brothers had exhibited any marked sense of duty either in the performance of duties or other obligations like the payment of land revenue etc. that the record of yatiraja (appellant) in this respect was considerably worse than that of srinivasa (Respondent) as the former who had been in enjoyment of half the inam lands, had made no attempt to pay the recent dues which had been discharged by the latter that whatever his (appellant's) legal claims might be, it was clearly undesirable to entrust him with the work of Archak that considering all the circumstances of the case, the best course would be to replace both the archaks by some other fit person and that pending the selection of some such person, Srinivasa (Respondent) might be continued as Archak.

5 yatiraja appealed to the deputy commissioner who in his order no Appl 4 of 39-40 d. 4-3-1940 observed that the order of the sub division officer was based

based on the bad work of the appellant (yatirajiah) & that he saw no reason to interfere with it. He therefore dismissed the appeal

It is against this order, the present appeal has been filed by yatirajiah on the following among other grounds

i) The Appellant and the Respondent looking after the service till 1935 when to some domestic calamities the appellant gave his turn of office to the Respondent

ii) The Respondent wilfully withheld from giving back the turn of worship to the Appellant in the year 1936 and tried his best to aggrandise the benefit from inam lands for himself and the Amildar's order D. 2. 2. 1935 bears testimony to the fact that the Respondent was wilfully trying to do harm to the Appellant

iii) The Sub Divisian officer has failed to note that the Appellant was all along paying Kandayam and also his part of the Reserve fund.

iv) The order of the Deputy commissioner basing his judgement on the order of the Sub Divisian officer is not correct for the above reasons.

The Appellant prays that the order of the Deputy commissioner may be set aside.

A Stay order has been issued from this office

The case came up ~~to~~ for hearing on 23rd July 1940 when both the Appellant and the Respondent were present and heard

---

order Dated 23rd July 1940

The Appellant appears to have satisfied all parties with his work till the year 1935 when owing to family calamity as he says

as he says, he could not take up his turn in the pujarishup. I am not prepared to believe that he could have become bad all of a sudden and belied his past conduct which gave no cause for complaint. In any case, I am not satisfied that his conduct is such as to justify his family hak being taken away from him.

Both the Appellant and Respondent are entitled to hold the office of the Archak by turns every year and divide equally the proceeds of the land and are jointly responsible for the payment of the Government dues. I direct that this arrangement may be given effect to

Sd. S. Abdul Wajid.
Muzrai Commissioner. TG

Copy applied on. — 19 8 40
Copy Ready on — 21 8 40
copy delivered on — 21 8 40
copied by. — A R Yamunacharya
Compared by — Kumarasimha Iyengar
No of words — ~~8770~~ 1027
copying fees — Rs. 1-6-0
comparing fees — Re. 0-5-6
Total 1-11-6

Bangalore C.T.
21. 8. 40.

By order
[illegible]
Manager
Muzrai Commissioner's office.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. 596 *Dated Bangalore,* 19th September 1940

Inam 105: 20.2

ENDORSEMENT.

To

Mr.Srinivasiah,
Son of Narasimhiah,
Archak, Koonagal, Closepet Taluk,
Care of T.Lakshmanaswamy, Sri B.A., B.L.,
Advocate, Bangalore City.

With reference to his petition, dated 2nd September 1940, appealing against the Muzrai Commissioner's Order dated 23rd July 1940, about the Archakship of the Sri Ranganathaswamy Temple at Koonagal, Closepet Taluk, Mr.Srinivasiah is informed that Government see no reason to interfere with the order of the Muzrai Commissioner.

The appeal is rejected.

By Order,

Sd.J.Appaji Gowda

General Secretary to Government.

No. 597 Dated, Bangalore, the 19th Septr.1940

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore, for information.

By Order,

mk.3

For General Secretary to Government

Appendix F G—1]

SUBJECT. .. ..

....

. . . .

30/10/40

Diary No. of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue.. ..... 19. 9. 40 ....

Signed by Sd/- S. K. V. ....

List of enclosures

Copied by

Examined by

Section Mis

File No 105-40

Serial No 9

No. 596

To Endorsement

To

Mr Somasekaram

S/o Navaratnam

Archak Devasthanam Kalasapet-Tq

C/o

M Lakshmanaswamy Esq

B.A. B.L

Advocate Pondicherry

2nd Addl

Office petition dated 2.9.40

appealing against the MCs order dt 23/7/40

~~Requesting for a stay order~~

~~appealing~~

~~pending the disposal of the appeal~~

about the

~~Re-~~ the Claim of Archak Ship

Of the Sri Nanjundeshwara
Temple at Nanjangud Taluk-Mg
Mr Srinivasiah is informed
that the order passed by the Board on revision
Mysore Commissioner dated 23.7.40 to give free milk
is equitable and the the order of the Mo
Appeal Petition is rejected
The petitioner is
informed

By order

for

Dy Chief Secy to Govt

Proceedings No S-97
19-9-40

Copy to M.C. for information
B.O

for Chief Secy

Appendix F G—1]

SUBJECT... .....

.....

.....

Section Mug

File No. 105-40

Serial No

Diary No. of letter replied to.....

No. 619. ~~Loc~~

To Endorsement.

General and Revenue Secretariat

( )

the *19* .

Mr. Srinivasa
S/o Narasimhaiah
Archak. Koorgal. Chickpet-Tq
C/o
A. Lakshmana Rao Esq B.A. B.L.
Advocate, Bangalore.

Date of issue..... 23-9-40 .....

Signed by ..... S. K. V .....

In Continuation of His
Office ~~Letter~~ No 596/Mug 105-40-2
dt 19.9.40. Mr. Srinivasa
Iyengar informs that ~~the~~ enclosures
Receipts with his Appeal Petition
Dated 2.9.40. are ~~filed~~ sent.

List of enclosures.. .....1.....

Copied by .....

Examined by ....

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. 619 — Muz 105-40

Dated Bangalore, 23 September 1940.

ENDORSEMENT.

Mr. Srinivasiah,
S/O Narasimhiah,
Koonagal, CLOSEPET Tk.

Care of

H. Lakshmanaswamy Esq., B.A.,B.L.,
Advocate, BANGALORE.

In continuation of this office endorsement No.596/ Muz.105-40-2 dated 19th September 1940, Mr. Srinivasiah is informed that he may call at this office on any working day to take back the papers filed with his appeal.

By Order,

for GENERAL SECRETARY TO GOVERNMENT

GRA/2-

I have Received all the Documents filed in this Appeal.
T. Krishna murthy
Clerk of H Lakshmana Swamy B.A B.L
Advocate
25-9-40

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. 619 Dated Bangalore 23 September 1940.
Revenue 105-40.

ENDORSEMENT.

Mr. Srinivasiah,
S/o [illegible],
Koonagal, CLOSEPET TK.

Care of

M. [illegible], Esq., M.A., B.L.,
Advocate, BANGALORE.

In continuation of this office endorsement No.596/ Rev 105-40-2, dated 19th September 1940, Mr. Srinivasiah is informed, that he may call at this office on any working day to take back the papers filed with his appeal.

By order,

for GENERAL SECRETARY TO GOVERNMENT

GRA/2-